

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

KIRSHA BROWN,)
Plaintiff,)
v.)
RTC VEOLIA TRANSPORTATION,)
Defendant.)

2:10-cv-00643-JCM-LRL

REPORT & RECOMMENDATION

Plaintiff submitted an Application to Proceed *In Forma Pauperis* and a Complaint pursuant to 42 U.S.C. § 1983 (#1) on May 4, 2010. Upon granting her request to proceed *in forma pauperis*, this court screened the Complaint pursuant to 28 U.S.C. § 1915(a), finding that “the substance of plaintiff’s allegations reveals . . . that she is not alleging a civil rights violation under § 1983.” Instead the Complaint alleged that a bus driver assisted a passenger in spraying plaintiff with pepper spray. This court, therefore, dismissed the Complaint on August 12, 2010, and instructed plaintiff to amend the Complaint to cure the deficiencies listed by the court. Order (#4). *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1985). Plaintiff was warned that failure to adequately amend the Complaint by September 13, 2010 may result in dismissal. On August 24, 2010, the court granted plaintiff’s Motion to Extend Time to Amend Complaint (#6), and set the deadline at September 23, 2010. Order (#8). To date, plaintiff has not filed an amended complaint or any other paper.

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RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that this case be dismissed with prejudice.

DATED this 22nd day of October, 2010.

LPLewis

**LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE**